IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 22118 of 2005(G)

PETITIONER:

J. ROSAMMA, W/O. P.L. THOMAS,
AGED 51 YEARS, ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETY (GENERAL),
CHAVAKKAD, THRISSUR.

BY ADV. SRI.V.A.MUHAMMED,
SRI.K.E.HAMZA,
SRI.T.V.VIJAYARAJAN,
SRI.M.SAJJAD.

RESPONDENTS:

1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, SECRETARIAT, TRIVANDRUM.**
2. **THE ACCOUNTANT GENERAL (A & E) KERALA, TRIVANDRUM.**
3. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES, TRIVANDRUM.**
4. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (AUDIT) KOCHI, ERNAKULAM DISTRICT.**

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.22118/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RELEVANT PAGE OF THE SERVICE BOOK OF THE PETITIONER.

EXT.P.2: COPY OF THE JUDGMENT IN W.A. NO. 2237/2004 OF THIS HON'BLE COURT DTD. 06/06/2005.

EXT.P.3: COPY OF THE STATEMENT PAY FIXATION AND FORM OF OPTION OF THE PETITIONER DTD. 19/04/1986.

EXT.P.4: COPY OF THE ORDER NO. GE 19/E/RCOOP/2253 OF THE R.2. DTD. 15/03/2005.

EXT.P.5: COPY OF THE REPRESENTATION FILED BEFORE THE R.2. DTD. 30/05/2005.

EXT.P.6: COPY OF THE ORDER NO. C. (AUDIT)/22/2005 OF THE R.4. DTD. 08/07/2005.

EXT.P.7: COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P.(C). NO. 33768/2004 DTD. 05/10/2006.

//TRUE COPY//

prv.

K.K.DENESAN, J.

WP(C)No. 22118 OF 2005

Dated this the 13th March, 2007.

JUDGMENT

Heard both sides.

2. The petitioner had rendered provisional service as Junior Auditor of Co-operative Societies from 31.10.1981 to 25.7.1984. Her regular service commenced from 5.10.1984. The petitioner was granted the benefit of increment reckoning the provisional service. Subsequently that benefit was taken away on the ground that the pay scales attached to the temporary post and regular post are different. It is contended that the change in the pay scale was only on account of the revision of pay and that such changes shall be ignored (see **Hussain v. Kerala Water Authority** (1996(2) KLT 555). That being the situation the respondents are not right in taking away the benefit of increment already granted to the petitioner reckoning provisional service.

3. Writ petition is allowed in the light of the dictum in Hussain's case (supra). Exts.P4 and P6 are set aside. The respondents are directed to pay the amount due to the petitioner based on the increment due for the period

covered by the provisional service also. This shall be done within three months.

K.K.DENESAN
Judge

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